

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Damon Nelson

Case No. Case: 2:22-mj-30233
Assigned To : Unassigned
Assign. Date : 5/17/2022
USA V. SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 19, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm
18 U.S.C. § 924(c)	Possession of a firearm in furtherance of a drug trafficking crime
21 U.S.C. § 841(a)(1)	Possession with intent to distribute controlled substances

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 17, 2022

City and state: Detroit, Michigan


Complainant's signature

Joshua McLean, Special Agent (ATF)
Printed name and title


Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Joshua McLean being duly sworn, depose and state the following:

I. INTRODUCTION

1. I have personal knowledge of the facts set forth in this affidavit with the exception of the matters expressly stated to be based upon information and belief.

2. I make this affidavit with personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since 2014. I am currently assigned to the Detroit, Michigan Field Division, Group III. In this role, I investigate violations of firearms, arson, fraud, explosives, and narcotics laws and have been involved in numerous investigations of firearms, arson, and narcotics violations since joining the ATF. Prior to my employment with ATF, I was employed by Wayne State University Police Department for approximately three years in the position of police officer. There, I was assigned to work with ATF Detroit Field

Division Group II and also investigated violations of firearms and narcotics laws.

4. I have a bachelor's degree in Criminal Justice from Wayne State University. I graduated from the Washtenaw Community College Police Academy and completed both the Criminal Investigator Training Program and Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. I have also completed multiple training courses on the interstate nexus of firearms and have received training at numerous firearms manufacturing facilities.

5. I am currently conducting an investigation into violations of federal firearms and narcotics laws by Damon Nelson (B/M, DOB: XX/XX/1971), specifically 18 U.S.C. § 922(g)(1) (felon in possession of a firearm), 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime), and 21 U.S.C. § 841(a)(1) (possession with intent to distribute controlled substance).

6. I have conducted a criminal history check (CCH) for Nelson and learned Nelson has been convicted of the following felony offenses:

2009 – 3rd Circuit Court – Felony Weapons - Firearms Possession by a Felon

2009 – 3rd Circuit Court - Felony Weapons – Felony Firearm

2009 – 3rd Circuit Court - Felony Weapons – Carrying Concealed

2009 – 3rd Circuit Court - Felony Controlled Substance – Possess – Less than 25 grams

1993 - Detroit Records Court – Felony Breaking and Entering – A Building with Intent

1990 – Detroit Records Court – Felony Breaking and Entering –
Occupied Dwelling with Intent

II. PROBABLE CAUSE

7. On August 19, 2021, members of Michigan State Police (MSP) and the Downriver SWAT Team executed a search warrant for XXXX Penrod St., Detroit, MI 48228. The search warrant was signed by a Judge of the 23rd District Court in Wayne County, Michigan.

8. During the execution of the search warrant, law enforcement encountered the defendant, Damon Nelson, in the first-floor master bedroom.

9. In the residence, law enforcement personnel recovered seven firearms. The seven firearms are described as Mossberg, Model 51M, .22 caliber, rifle; Zastava, Model PAP M85NP, .223 caliber, AK Style pistol; Springfield Armory, Model 1911A1, .45 caliber, pistol; Smith and Wesson, Model M&P, 9mm, pistol; Ruger, Model LCR, .38 caliber, revolver; SCCY Industries, Model CPX, 9mm caliber, pistol; SCCY Industries, Model CPX, 9mm caliber, pistol. Five of the seven listed firearms were found in the first-floor master bedroom, where law enforcement initially located Nelson.

10. Law enforcement personnel also recovered suspected narcotics in the first-floor master bedroom. The suspected narcotics included approximately 265 total grams of suspected cocaine, approximately 6 total grams of suspected crack cocaine, approximately 43 total grams of heroin/fentanyl, approximately 1 total

gram of methamphetamine, approximately 8 total grams of psilocybin mushrooms, and numerous suspected analogue pills.

11. Furthermore, law enforcement recovered U.S. Mail addressed to Damon Nelson at XXXX Penrod St., Detroit, MI from the State of Michigan Secretary of State in the first-floor master bedroom, as well as \$8,990 in U.S. Currency in a safe in that room.

12. Following the execution of the search warrant, members of law enforcement conducted an audio-recorded interview with Nelson. In a post-*Miranda* statement, Nelson admitted to buying, possessing, and selling narcotics. Nelson admitted that he has the firearms for protection. He also indicated that that he knows he is a convicted felon.


13. Two samples of the suspected narcotics were analyzed by the Michigan State Police Forensic Laboratory. The results of the analysis of the samples identified the presence of Para-fluorofentanyl, a schedule I controlled substance, and Cocaine, a schedule II controlled substance.

14. Based on my training and experience with firearms interstate nexus and the written description of the firearms recovered, I would conclude that all the firearms listed were manufactured outside the State of Michigan and are firearms as defined in Title 18 U.S.C., Chapter 44, Section 921(a)(3).


III. CONCLUSION

15. Based on the above information, I have probable cause to believe that Damon Nelson knowingly possessed firearms after having been convicted of a felony offense, in violation of Title 18 U.S.C. Section 922(g)(1). I also have probable cause to believe that Damon Nelson possessed a firearm in furtherance of a drug trafficking crime, in violation of Title 18 U.S.C. Section 924(c). I also have probable cause to believe that Damon Nelson possessed controlled substances with the intent to distribute, in violation of Title 21 U.S.C. Section 841(a)(1). These violations occurring within the Eastern District of Michigan.

Respectfully submitted,


Joshua McLean, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means.


Hon. Kimberly G. Altman
United States Magistrate Judge

Date: May 17, 2022